IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

LA.App..No. 519 of 2004(D)

LAR.46/2002 of SUB COURT, CHERTHALA
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENTS: CLAIMANT & RESPONDENT NO.2 IN LAR
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1. SREEDHARAN, S/O. PADMANABHAN,
MANGALASSERIL, PALLIPPURAM.

2. THE MANAGING DIRECTOR, KSIDC,
THIRUVANANTHAPURAM.

R2 BY ADV. SRI.G.S.REGHUNATH
R1 BY ADV. SRI.V.S.BHASKARAN
SRI.VARGHESE P.THOMAS

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

LAA 519 OF 2004

C.M.APPL.1070/2004

DELAY CONDONED.

I.A.2604/2004

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DISMISSED

26.9.2007 KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. No. 519 of 2004-D

Dated: September 26, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is filed against the judgment and decree in LAR No.46/2002 on the file of the Sub Court, Cherthala. The acquisition is for the Industrial Growth Centre, Pallippuram. The extent involved is 4.05 Ares. S.4(1) notification was published on 24.1.1997. The land acquisition officer fixed the land value at the rate of Rs.7876/- per Are. The Reference Court fixed the land value at the rate of Rs.17290/- per Are. It is seen that the enhancement is made on the basis of Ext.A1 document. Ext.A1 is a sale deed dated 27.2.1996 and it was executed prior to the notification. The property is situated in the same village. Ext.A1 comprises of 11 cents of property and the centage value is Rs.12000/- per cent. According to the claimant, the Reference Court noted that the properties are similar and similarly situated. It is claimed that Ext.A1 has more advantages than the acquired property with road frontage. Therefore, 1/3rd of the value of Ext.A1 was deducted and hence the Reference Court fixed only 2/3rd of the value of Ext.A1 for the acquired property. There is no evidence to the contrary. In the facts and circumstances of the case we are of the view that the fixation made is just and reasonable. Accordingly, this LAA is dismissed.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

mt/-